THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE D. APPA RAO

Taken up Writ Petition No.4812 of 2007

Date: 20-03-2007

Between:

Madem Eeswara Rao,
S/o. Madem Narayana,
R/o. Mamidithota,
Tadepalligudem,
West Godavari District.

… Petitioner/s

And

The Station House Officer,
Pentapadu Police Station,
West Godavari District and another.

… Respondent/s

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ORAL ORDER: (per the Hon'ble Sri Justice D.S.R. Varma)

Heard the learned Assistant Government Pleader, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of the telegram, dated 05-03-2007, sent by one Sri Madem Eeswara Rao, S/o. Madem Narayana, resident of Mamidithota, Tadepalligudem, West Godavari District, addressed to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that his brother viz., Madem Bhavana Rushi was illegally taken away by the police of Pentapadu Police Station on 01-03-2007 and he is apprehending danger to the life of his brother.

3. A counter affidavit has been filed by the Sub Inspector of Police, Pentapadu Police Station, West Godavari District, stating that the alleged detenu as well as the petitioner herein along with others are accused in Crime No.23 of 2007 registered for the offences punishable under Sections 323, 452, 341, 354, 506 (2) read with Section 34 of Indian Penal Code, on the file of Pentapadu Police

Station, basing on a written complaint, dated 03-03-2007, submitted by one Boyena Kumari Sai, resident of Mounjipadu village, Pentapadu Mandal, West Godavari District. It is also stated that the alleged detenu and the petitioner herein were shown as Accused Nos.1 and 2, respectively, in the said crime. It is further stated that the alleged detenu, who was Accused No.1 in the above said crime, was arrested and produced before the learned Additional Judicial First Class Magistrate, Tadepalligudem, on 05-03-2007 and was remanded to judicial custody on the same day and now he is lodged in the Sub Jail, Tadepalligudem.

4. Under the above circumstances, since the alleged detenu was arrested in connection with the above said crime and remanded to judicial custody, nothing further survives in this writ petition and the same is liable to be dismissed.

5. The writ petition is accordingly dismissed, at the stage of admission. However, there shall be no order as to costs.

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JUSTICE D.S.R.VARMA

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JUSTICE D. APPA RAO

20-03-2007.
Msr.

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